APPENDIX

ORDINANCE NO. 3331 FOURTH SERIES

AN ORDINANCE REPEALING VARIOUS CITY CODE SECTIONS RELATING TO ACTS INVOLVING MORAL TURPITUDE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Sacramento City Code Section 26.3 is hereby repealed.

SECTION 2.

Sacramento City Code Section 26.6 is hereby repealed.

SECTION 3.

Sacramento City Code Section 26.10 is hereby repealed.

SECTION 4.

Sacramento City Code Section 26.11 is hereby repealed.

SECTION 5.

Sacramento City Code Sections 26.27, 26.28 and 26.29 are hereby repealed.

SECTION 6.

Sacramento City Code Section 26.30 is hereby repealed.

SECTION 7.

Sacramento City Code Section 26.46 is hereby repealed.

SECTION 8.

Sacramento City Code Sections 5.4, 5.5, 5.6, 5.7, 5.8 and 5.9 are hereby repealed.

SECTION 9.

Sacramento City Code Sections 26.59, 26.60, 26.61, 26.62, 26.63 and 26.64 are hereby repealed.

SECTION 10.

This ordinance shall be published once within ten days from adoption in the official newspaper of the City of Sacramento.

PASSED: November 8, 1973

EFFECTIVE: December 8, 1973

RICHARD H. MARRIOTT
MAYOR

ATTEST:

JACI K. DE FORD
CITY CLERK

CERTIFIED AS TRUE COPY OF
Ordinance No. 3331 4th Series

DATE
CERTIFIED NOV 12 1973

JACI K. DE FORD
City Clerk, City of Sacramento

§ 318.5 Public exposure by employees or entertainers in food or beverage establishment; local regulations; exemptions

Nothing in this code shall invalidate an ordinance of, or be construed to prohibit the adoption of an ordinance by, a county or city, if such ordinance directly regulates the exposure of the genitals or buttocks of or the breasts of any person who acts as a waiter, waitress, or entertainer, whether or not the owner of the establishment in which the activity is performed employs or pays any compensation to such person to perform such activity, in an establishment which serves food, beverages, or food and beverages, including, but not limited to, alcoholic beverages, for consumption on the premises of such establishment.

The provisions of this section shall not apply to a theater, concert hall, or similar establishment which is primarily devoted to theatrical performances.

This section shall be known and may be cited as the "Quimby-Walsh Act."
(Added by Stats.1969, c. 1534, p. 3128, § 1.)

§ 318.6 Public exposure by participants in live acts, demonstrations or exhibitions; local regulations; exemptions

Nothing in this code shall invalidate an ordinance of, or be construed to prohibit the adoption of an ordinance by, a city or county, if such ordinance relates to any live acts, demonstrations, or exhibitions which occur in public places, places open to the public, or places open to public view and involve the exposure of the private parts or buttocks of any participant or the breasts of any female participant, and if such ordinance prohibits an act or acts which are not expressly authorized or prohibited by this code.

The provisions of this section shall not apply to a theater,

concert hall, or similar establishment which is primarily devoted to theatrical performances.
(Added by Stats.1969, c. 1535, p. 3129, § 1.)

"Sec. 26.59. *Legislative Findings and Authorization.*

"The City Council does hereby find that there exists in this city an increasing trend toward nude and semi-nude acts, exhibitions and entertainment, and of undress by female employees of food, drink and like establishments serving the public, and that such acts and such competitive commercial exploitation of nudity is adverse to the public peace, morals and good order; and that it is in the best interest of the public safety and convenience of this city to restrict such nudity, and the commercial promotion and exploitation thereof, as hereinafter set forth.

"All words used in these City Code Sections which are also used in Sections 318.5 and 318.6 of the Penal Code are used in the same sense and mean the same as the same respective words used in Sections 318.5 and 318.6 of the Penal Code.

"Sec. 26.60. *Same—Theater—Definitions.*

"As used in Sections 26.61 through 26.64 inclusive and in Sections 318.5 and 318.6 of the Penal Code the phrase 'theater, concert hall, or other similar establishment which is primarily devoted to theatrical performances' shall mean a building, playhouse, room, hall or other place having permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage, upon which theatrical or vaudeville performances or similar forms of artistic expression are presented, and where such performances are not incidental to the promoting of the sale of food, drink or other merchandise, and for which a city license for a theater is in full force and effect. This definition does not supersede the provisions of Section 26.59 of this code.

"Sec. 26.61. *Prohibition Against the Display of Female Breasts.*

"Every female is guilty of a misdemeanor who, while participating in any live act, demonstration, or exhibition in any public place, place open to the public, or place open to public view, or while serving food or drink or both to any customer;

"a. exposes any portion of either breast below a straight line so drawn that both nipples and all portions of both breasts which have a different pigmentation than that of the main portion of the breasts are below such straight line, or

"b. employs any device or covering, which is intended to simulate such portions of the breast, or

"c. wears any type of clothing so that any portion of such part of the breast may be observed.

"Sec. 26.62. *Prohibition Against Display of Private Parts.*

"Every person is guilty of a misdemeanor who exposes his or her private parts or buttocks, or employs any device or covering which is intended to simulate the private parts or pubic hair of such person, while participating in any live act, demonstration, or exhibition in any public place, place open to the public, or place open to public view, or while serving food or drink or both to any customer.

"Sec. 26.63. *Same—Accessories.*

"Every person is guilty of a misdemeanor who permits, procures, counsels, or assists any person to violate any provision of Sections 26.61 or 26.62 of this Code.

"Sec. 26.64. *Same—Exceptions.*

"Sections 26.61 through 26.63 inclusive of this Code do no [sic] apply to:

"a. A theater, concert hall, or similar establishment which is primarily devoted to theatrical performances.

"b. Any act authorized or prohibited by any state statute.